

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA
ex rel. SARAH BEHNKE,

Plaintiffs,

v.

CVS CAREMARK CORPORATION, *et al.*,

Defendants.

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: CIVIL ACTION
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: No. 14-824
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ORDER

AND NOW, this 23rd day of April, 2020, upon consideration of Defendants’ “Motion to Dismiss” (ECF No. 50), Plaintiff’s response thereto (ECF No. 54), Defendants’ reply (ECF No. 57), and Plaintiff’s sur-reply (ECF No. 60), it is hereby **ORDERED** that:

- Defendants’ Motion to Dismiss is **GRANTED IN PART** as to Counts I and II against Defendant SilverScript Insurance Company and as to Count III against all Defendants.
- The motion is **DENIED IN PART** as to Counts I and II against Defendants CVS Caremark Corporation, CVS Caremark Rx, LLC, and CaremarkPCS Health LLC.
- Plaintiff may amend the Complaint in an attempt to cure the deficiencies identified in the accompanying Memorandum Opinion **within thirty (30) days from the date of this Order.**

BY THE COURT:

/s/ Mitchell S. Goldberg
MITCHELL S. GOLDBERG, J.